

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Criminal Action
 No. 13-10200-GAO
)
DZHOKHAR A. TSARNAEV, also)
known as Jahar Tsarni,)
)
)
Defendant.)
)

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

EXCERPT OF DISPOSITION

**REMARKS BY THE HON. GEORGE A. O'TOOLE, JR.,
DISTRICT JUDGE**

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Wednesday, June 24, 2015

Marcia G. Patrisso, RMR, CRR
Official Court Reporter
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One Courthouse Way, Room 3510
Boston, Massachusetts 02210
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Mechanical Steno - Computer-Aided Transcript

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PROCEDINGS

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3 THE COURT: First, I want to acknowledge the presence
4 of a number of the jurors and alternates who participated in
5 the trial of this case. They are here at my invitation. It is
6 my practice, after a verdict in every criminal trial, to talk
7 informally with the discharged jurors, principally to thank
8 them again personally for their service. It is my habit on
9 such occasions to invite them to return to attend the
10 sentencing hearing, and sometimes they do.

11 Consistent with that practice, I extended a similar
12 invitation to the jurors in this case to attend. As you can
13 see, many of them accepted and are here. Because so many were
14 interested and because we have limited public seating in the
15 courtroom, as a courtesy and as a gesture of respect for their
16 service, I authorized them to sit in the jury box. I do want
17 to emphasize, of course, that they are present now simply as
18 members of the public. They are no longer a jury, but a group
19 of citizens who are here, each in his or her individual
20 capacity. Nonetheless, I take this occasion again to thank the
21 now-former jurors for their exceptional service.

22 Much of the evidence in this case was hard to hear and
23 see. We made great demands on their time and asked them to
24 insulate themselves from potential extraneous influences in
25 ways that an ordinary person would find difficult or

1 uncomfortable. We asked them to make significant changes to
2 their daily routines and to spend a long time away from work
3 and other pursuits. We also asked them to accept the
4 responsibility to set aside any preconceived ideas, and instead
5 to reason from the evidence presented in this trial to any
6 conclusions and not the other way around.

7 Above all, we asked them, as they acted to perform
8 their high duty, to be utterly fair and impartial in their
9 deliberations. Their careful verdict satisfies me that they
10 did what they were asked to do. Theirs was not the only
11 possible verdict, but it is certainly a rational one on the
12 evidence.

13 That they performed their duty so well and faithfully
14 came as no surprise to me. I've been presiding over jury
15 trials in this state for more than 30 years, and I know how
16 seriously Massachusetts jurors take the responsibilities of
17 jury service. I had no doubt that we could select a jury for
18 this case that would accept and perform their high duty
19 conscientiously and justly. The proof is in the pudding.

20 This was an extraordinary case. Those of us who sat
21 through it from beginning to end saw and heard things we will
22 never forget, both good and bad. First, we will never forget
23 the victims of these crimes and their individual stories. We
24 appreciate the presentations made here today. It takes a good
25 deal of courage to stand up in this setting and to make such

1 intensely personal statements.

2 Today's presentations were relatively brief. We had a
3 fuller opportunity to see and hear those victims who testified
4 as witnesses during the trial. Their courage throughout their
5 extended ordeal was exemplary. We were impressed by their
6 dignity. What I'll never forget is how, as the tragic events
7 unfolded, one after another victims, who themselves were
8 grievously wounded, worried about someone else: a spouse, a
9 parent, a child, a friend. Concern for others was everywhere
10 on display that day, even from people who were themselves
11 experiencing the deepest anguish.

12 We will all remember the heroes. And there were many.
13 One thing that particularly stands out for me, for example, is
14 that when Boston police officers like Lauren Woods and Tommy
15 Barrett saw people running away from danger, they ran toward
16 it, not knowing what they would encounter. Days later,
17 Watertown police officers put their lives on the line in the
18 shootout on Laurel Street.

19 But it was not just those who had official duties.
20 After the explosions, people in the crowd immediately responded
21 to help where they could. How many times did we hear of
22 someone at the scene spontaneously taking off his belt to use
23 it as a makeshift tourniquet for one of the injured, or using a
24 drink to try to douse burning clothing, or simply trying to
25 give comfort to one of the injured? Nor can we forget the

1 bravery of Dun Meng, whose courageous escape was the beginning
2 of the end for the fugitive brothers.

3 The medical response was similarly heroic, from the
4 EMTs to the nurses and doctors in the medical tents and at the
5 hospitals. I have two particularly vivid memories from the
6 testimony: One was EMS Chief Hooley's description of the red,
7 yellow, green triage process at the medical tent, crucial
8 life-or-death decisions being made instantly because they had
9 to be; the other was Dr. Heather Studley's testimony about how
10 she and her team at Mount Auburn literally revived Dic Donohue
11 after what might have been regarded as clinical death.

12 Finally, I commend what appears from this vantage
13 point to have been the meticulous professionalism of the law
14 enforcement post-crime investigation. I'm sure there were
15 hitches and glitches. There always are. But the painstaking
16 collection and analysis of evidence was extraordinary. If you
17 want a real-life example of looking for a needle in a haystack,
18 how about looking for a knapsack in a landfill?

19 Those are some of the good things I'll remember. The
20 bad things, however, will be even harder to forget. I turn to
21 those now as I address the defendant. One of Shakespeare's
22 characters observes: "The evil that men do lives after them.
23 The good is oft interred with their bones." So it will be for
24 Dzhokhar Tsarnaev.

25 Whenever your name is mentioned, what will be

1 remembered is the evil you have done. No one will remember
2 that your teachers were fond of you. No one will mention that
3 your friends found you funny and fun to be with. No one will
4 say you were a talented athlete or that you displayed
5 compassion in being a Best Buddy or that you showed more
6 respect to your women friends than your male peers did. What
7 will be remembered is that you murdered and maimed innocent
8 people and that you did it willfully and intentionally. You
9 did it on purpose.

10 You tried to justify it to yourself by redefining what
11 it is to be an innocent person so that you could convince
12 yourself that Martin Richard was not innocent, that Lingzi Lu
13 was not innocent, and the same for Krystle Campbell and Sean
14 Collier and, therefore, they could be, should be killed. It
15 was a monstrous self-deception. To accomplish it, you had to
16 redefine yourself as well. You had to forget your own
17 humanity, the common humanity that you shared with your brother
18 Martin and your sister Lingzi.

19 It appears that you and your brother both did so under
20 the influence of the preaching of Anwar al-Awlaki and others
21 like him. It is tragic, for your victims and now for you, that
22 you succumbed to that diabolical siren song. Such men are not
23 leaders but misleaders. They induced you not to a path to
24 glory but to a judgment of condemnation.

25 In Verdi's opera Otello, the evil Iago tries to

1 justify his malice. "Credo in un Dio crudel," he sings. "I
2 believe in a cruel god." Surely someone who believes that God
3 smiles on and rewards the deliberate killing and maiming of
4 innocents believes in a cruel god. That is not, it cannot be,
5 the god of Islam. Anyone who has been led to believe otherwise
6 has been maliciously and woefully deceived.

7 Mr. Tsarnaev, if you would stand, please.

* * *

1 C E R T I F I C A T E
23 I, Marcia G. Patrisso, RMR, CRR, Official Reporter of
4 the United States District Court, do hereby certify that the
5 foregoing transcript constitutes, to the best of my skill and
6 ability, a true and accurate transcription of my stenotype
7 notes taken in the matter of Criminal Action No. 13-10200-GAO,
8 United States of America v. Dzhokhar A. Tsarnaev.
910 /s/ Marcia G. Patrisso
11 MARCIA G. PATRISSO, RMR, CRR
Official Court Reporter12 Date: 6/24/15
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